

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of PAMELA MARIE WEST,  
BERRETTA WEST, and MITCHELL WEST,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHRISTINA LYNN BARRITT,

Respondent-Appellant,

and

MICHAEL LEE WEST,

Respondent.

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UNPUBLISHED

October 4, 2005

No. 261485

Calhoun Circuit Court

Family Division

LC No. 04-000790-NA

Before: Saad, P.J., and Jansen and Markey, JJ.

PER CURIAM.

Respondent-appellant appeals by right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Respondent-appellant first argues that the trial court failed to properly advise her of the rights she was giving up as a result of her plea and that the trial court considered stale and irrelevant information at the adjudication hearing. The issue is not preserved. In a child protective proceeding, a respondent may not collaterally attack a trial court's exercise of jurisdiction in an appeal of right from a subsequent order terminating the respondent's parental rights. *In re Bechard*, 211 Mich App 155, 159-160; 535 NW2d 220 (1995). Respondent-appellant was required to appeal directly from the order asserting jurisdiction but failed to do so. *In re Hatcher*, 443 Mich 426, 439-440; 505 NW2d 834 (1993).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were originally brought under the court's jurisdiction as a

result of domestic violence between respondent-appellant and her mother, with whom respondent-appellant and the children lived. Respondent-appellant admitted to her history of cocaine use during adjudication, including testing positive for cocaine following her son's birth eight months before the adjudication hearing. She also admitted to leaving the children with her mother to use drugs and to retrieve the children's father from a drug house. Respondent-appellant's drug use was the primary focus of the case, yet she did absolutely nothing to address the issue. Since the children were made temporary wards, respondent-appellant was convicted of possession of cocaine and sentenced to eighteen months' probation. She failed to comply with the terms of her probation and failed to avail herself of the many services made available to her. Respondent-appellant refused drug counseling and individual therapy. At the time of the termination trial, respondent-appellant was allegedly in Florida seeking drug rehabilitation treatment; however, there was nothing in the record to substantiate such a claim and respondent-appellant was in violation of her probation for leaving the state without permission. Respondent-appellant also failed to visit the children regularly. She missed several visits and had not seen the children for over ninety-one days at the time of trial, nor had she attempted to make any contact with anyone involved in the case. The record reveals that respondent-appellant abandoned her children, that the conditions leading to adjudication continued to exist, that she failed to provide proper care or custody for the children, and that the children would likely be harmed if returned to her care.

Having found that there was a statutory basis for termination, the trial court was required to terminate respondent-appellant's parental rights unless there was clear evidence on the whole record that termination was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was some evidence of a bond between the children and respondent-appellant; however, that bond was beginning to disappear in respondent-appellant's absence. The children were doing well in foster care and were entitled to permanence and stability. Thus, the evidence did not establish that the children's best interests precluded termination of respondent-appellant's parental rights.

We affirm.

/s/ Henry William Saad  
/s/ Kathleen Jansen  
/s/ Jane E. Markey